

Federal Appeal Court
9th Circuit Clerk office
333 Las Vegas Blvd S.
Las Vegas N.V 89101

1
FILED — RECEIVED
ENTERED — SERVED ON
COURT CLERK'S OFFICE OF RECORD

2008 SEP 11 P 1:21

CLERK'S OFFICE
DISTRICT OF NEVADA

CASE # 208-CV-00388-PMP-GWF

BY DEPUTY

Judge Jay S. Bybee

The Plaintiff in this Complaint Appeal the decision by Judge Foley. 8-5-08 There was no standing for that decision. The defendant defaulted 6-2-08 admitting the reduction was incorrect. The Clerk office took no action nor did Judge Foley. Now Judge Philip Pro. supports that decision. The Assistant Attorney General negative response is the reason for the none action by the court. This Complaint was uncontested

by the defendant or SSA. A motion for default was 7-8-08 will send document. The Plaintiff is eligible for full benefits of \$886 - 3 years of back pay. This is a Unite State District Court federal Law. Notice will show the Plaintiff Human Civil and Constitutional Rights were violated. Plaintiff ask the court full relief. The defendant acted as part of a Conspiracy. There was no legal reason to reduce. Denying federal Rules of Civil Procedure. The court wouldn't let the process work. SSA didn't answer the complaint. Race Discrimination and Civil Rights violation.

9-9-08

(n)

Federal Appeal Court 9th Circuit
(Case # 08-CV-00288-PMP-GWF)

Judge Jay S. Bybee

Violation by federal officer acting in their duties.

OR federal Employee in individual acts of RACE

DISCRIMINATION. Document will show these facts.

Court decision with no standing. The court grants relief in (1983) action when it's a denial of federal Constitutional Rights by a person acting under color of STATE LAW. SSI is a federal funded program
And THESE WEREN'T honorable decision.

I here by certify that a copy of the foregoing
document was mailed to SSA SUITE 150
150 Buffalo Dr Las Vegas, NV, 89117

9-9-08

Patricia Lee White
571 "30 ST #50

LAS VEGAS, N.V.
89101

Orders on Motions**2:08-cv-00288-PMP-GWF Wicks v. Social Security Administration****United States District Court****District of Nevada****Notice of Electronic Filing**

The following transaction was entered on 8/5/2008 at 11:32 AM PDT and filed on 8/5/2008

Case Name: Wicks v. Social Security Administration

Case Number: 2:08-cv-288

Filer:

Document Number: 11

Docket Text:

ORDER Denying [8] Motion for Entry of Clerks Default. Clerk to forward blank USM 285 forms to plaintiff. Defendant has 60 days to respond to complaint. Clerk to send copy of Order [2] to Plaintiff. Signed by Magistrate Judge George W Foley, Jr on 8/5/08. (Copies have been distributed pursuant to the NEF - AXM)sent

2:08-cv-288 Notice has been electronically mailed to:

Carlos A Gonzalez Carlos.Gonzalez2@usdoj.gov, Darlene.Ruckard@usdoj.gov, Eunice.Jones@usdoj.gov, Kim.Bush@usdoj.gov, Leann.Stevens@usdoj.gov, Mary.Booker@usdoj.gov

2:08-cv-288 Notice has been delivered by other means to:

Johnny Lee Wicks
571 N. 30th Street
#50
Las Vegas, Nv 89101

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP_dcecfStamp_ID=1101333072 [Date=8/5/2008] [FileNumber=3928609-0]
[3e1af2f9e7b23ac64b30db7182693f414a2a08ba741b0a34f4fle9e3c6208cf76b0b
99e18ac7bf9474f3aeb7fbfc16e6da0248044dc73ea6b096865a6c5ecc6d]]

1 PROOF OF SERVICE

2 I, CARLOS A. GONZALEZ, AUSA, certify that I caused the
3 following individuals to be served on this date by the below
4 identified method of service:

5 Federal Express

6 Johnny Lee Wicks
7 571 30th Street #50
8 Las Vegas, NV 89101

9 DATED this 30th day of July, 2008.

10 /s/ Carlos A. Gonzalez
11 CARLOS A. GONZALEZ
12 Assistant United States Attorney

1 The file discloses that no summons had been issued to the
2 United States Attorneys office nor the US Attorney Generals
3 Office.

4 There is no evidence in the file to establish that returns
5 of service had been received for service of summons and complaint
6 on any defendant.

7 Undersigned government counsel contacted the appropriate
8 offices to verify service on all defendants and received a
9 negative response. No service has been effected on defendants.

10 Pursuant to Rule 12(b)(5) the Court lacks jurisdiction over
11 the instant civil action due to insufficient service of process.

11
on the 29th day of July, 2008

Respectfully submitted

GREGORY A. BROWER
United States Attorney

/s/ Carlos A. Gonzalez
Carlos A. Gonzalez
Assistant United States Attorney

Case # 208-cv-00288-PMP-GWF

United States District Court
District of Nevada (Las Vegas)
CIVIL DOCKET FOR CASE #: 2:08-cv-00288-PMP-GWF
Internal Use Only

Wicks v. Social Security Administration
Assigned to: Judge Philip M. Pro
Referred to: Magistrate Judge George W Foley, Jr
Cause: 42:206 Social Security Benefits

Date Filed: 04/02/2008
Jury Demand: None
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: Federal Question

Plaintiff

Johnny Lee Wicks
Regional Commissioner

represented by **Johnny Lee Wicks**
571 N. 30th Street
#50
Las Vegas, Nv 89101
909-709-7862
PRO SE

V.

Defendant

Social Security Administration

Date Filed	#	Docket Text
03/07/2008		Case assigned to Judge Philip M. Pro and Magistrate Judge George W Foley, Jr. (JAG) (Entered: 03/07/2008)
03/07/2008	<u>1</u>	MOTION/APPLICATION for Leave to Proceed in forma pauperis by Plaintiff Johnny Lee Wicks. Motion ripe 3/7/2008. (Attachments: # <u>1</u> Complaint)(ASB) (Entered: 03/10/2008)
04/01/2008	<u>3</u>	COMPLAINT against Social Security Administration filed by Johnny Lee Wicks.(ASB) (Entered: 04/02/2008)
04/02/2008	<u>2</u>	ORDER granting <u>1</u> Motion/Application for Leave to Proceed in forma pauperis. Copy of Summons, Complaint, & this Order mailed to Commissioner of the Social Security Administration via Certified Mail. Tracking Number: 7006 2760 0002 0194 0558. Copy of Summons, Complaint, & this Order mailed to Attorney General of the United States via Certified Mail. Tracking Number: 7005 1820 0006 5506 6090. Clerk shall issue summons. Defendants have 60 days from the date of service to answer or respond to the Complaint. Clerk shall file the complaint. Signed by Magistrate Judge George W Foley, Jr

Proof of Service

Copies have been distributed pursuant to the NEF - ASB) Added Attorney General Tracking Number on 4/2/2008. (ASB) (Entered: 04/02/2008)

04/02/2008	4	SUMMONS Issued as to Social Security Administration, U.S. Attorney and U.S. Attorney General. (ASB) (Entered: 04/02/2008)
04/08/2008	5	NOTE: Certified Mail Receipt to Social Security Administration, #70062760000201940558 (ES) (Entered: 04/08/2008)
04/08/2008	6	NOTE: Certified Mail Receipt to Attorney General of the United States #70051820000655066090 (ES) (Entered: 04/08/2008)
04/11/2008	7	Mail Returned as Undeliverable re <u>2</u> Order on Motion/Application to Proceed in forma pauperis,, addressed to Johnny Lee Wicks. (no current address, did not forward.) (OXC) (Entered: 04/14/2008)

*(Case #) 08-CV-00288-PMP-GWF
Default*

Information About Your Back Payments

- We looked at the money amounts we paid you and the money amounts we should have paid you for each month listed below in determining your back payment of \$127.40. The following chart shows the incorrect amounts paid and the correct amounts for those months. We added all of the incorrect money amounts. Then we added all of the correct money amounts we should pay. We subtracted the total incorrect money amount from the total correct money amount to get the total back payment.

Month	Amount Paid	Correct Amount
May 2008	\$64.30	\$128.00
June 2008	64.30	128.00
Total	\$128.60	\$256.00

We are sending you a Supplemental Security Income check for \$127.40 in June 2008. We will not count the part of this money which was due for back payments as your resource for 9 months. If the money is not spent before April 1, 2009, we will count any money left over as part of your resources. But things bought with this money may count as resources the month after they are bought. Your Social Security office can tell you which things count as resources. You cannot get SSI if the resources we count have a value of more than \$2,000.

Our Decision On Your Waiver Request

We previously notified you about a \$317.00 overpayment and you requested that we not require repayment of this amount. We considered the information you gave us and have determined that you will not have to pay this money back.

You Can Review The Information in Your Case

The decisions in this letter are based on the law. You have a right to review and get copies of the information in our records that we used to make the decisions explained in this letter. You also have a right to review and copy the laws, regulations and policy statements used in deciding your case. To do so, please contact us. Our telephone number and address are shown under the heading "If You Have Any Questions."

Things To Remember

This decision refers only to your claim for Supplemental Security Income payments.

428-84-2574
08/06/2008

Page 3 of 13

Month	Amount Paid	Correct Amount
February 2008	\$128.00	\$445.00
March 2008	128.00	445.00
April 2008	128.00	445.00
May 2008	128.00	445.00
June 2008	128.00	445.00
July 2008	128.00	445.00
August 2008	128.00	445.00
Total	\$896.00	\$3,115.00

- We are sending you a Supplemental Security Income check for \$2,219.00 in August 2008. We will not count the part of this money which was due for back payments as your resource for 9 months. If the money is not spent before June 1, 2009, we will count any money left over as part of your resources. But things bought with this money may count as resources the month after they are bought. Your Social Security office can tell you which things count as resources. You cannot get SSI if the resources we count have a value of more than \$2,000.

Information About Medicaid

An agency of your State will advise you about the Medicaid program. If you have any questions about your eligibility for Medicaid or need immediate medical assistance, you should get in touch with the county welfare department.

You Can Review The Information in Your Case

The decisions in this letter are based on the law. You have a right to review and get copies of the information in our records that we used to make the decisions explained in this letter. You also have a right to review and copy the laws, regulations and policy statements used in deciding your case. To do so, please contact us. Our telephone number and address are shown under the heading "If You Have Any Questions."

Things To Remember

- This decision refers only to your claim for Supplemental Security Income payments.
- This determination replaces all previous determinations for the above periods.

If You Disagree With The Decision

If you disagree with the decision, you have the right to appeal. We will review your case and consider any new facts you have.

- You have 60 days to ask for an appeal.

Social Security Administration
Supplemental Security Income

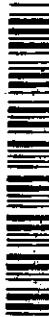
Notice of Change in Payment

1250 S BUFFALO DR
 SUITE 150
 LAS VEGAS NV 89117

Date: August 6, 2008
 Claim Number: 428-84-2574 DI

000034697 02 SP 0590 0730.M02.133
 946 08S1915B88895

JOHNNY LEE WICKS
 570 30TH ST
 APT 50
 LAS VEGAS NV 89101



Type of Payment:
 Individual--Disabled

We are writing to tell you about changes in your Supplemental Security Income (SSI) payments. The following chart shows the SSI money due you for the months we changed. As you can see from the chart, we are changing your payments for both past and future months. The rest of this letter will tell you more about this change.

We explain how we figured the monthly payment amounts shown below on the last pages of this letter. The explanation shows how your income, other than any SSI payments, affects your SSI payment. It also shows how we decided how much of your income affects your payment amount. We include explanations only for months where payment amounts change.

Your Payments Will Be Changed As Follows:

From	Through	Amount Due Each Month
January 1, 2008	Continuing	\$445.00 This includes \$317.00 from the State of California.

Why Your Payments Changed

You are due State money as a resident of the State of California beginning January 2008. In figuring the amount of your check, we have included the State money due you.

See Next Page

SSA-1915

Case 2:08-cv-00288-PMP-GWF

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5
6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 * * *
9 JOHNNY LEE WICKS, } 2:08-CV-00288-PMP-GWF
10 Plaintiff, }
11 v. }
12 SOCIAL SECURITY } ORDER
13 ADMINISTRATION, }
14 Defendant. }
15

16 **IT IS ORDERED** that Plaintiff Johnny Lee Wicks' Motion for Instant Review
17 (Doc. #12), filed on August 12, 2008, and Plaintiff Wicks' Motion for Injunction (Doc.
18 #13) filed August 12, 2008, are hereby DENIED.

19 **IT IS FURTHER ORDERED** that Plaintiff Wicks shall forthwith comply with
20 the provisions of the Order (Doc. #11) entered by the Honorable Magistrate Judge George
21 W. Foley, on August 5, 2008.

22 DATED: September 3, 2008.

23 
24 PHILLIP M. PRO
25 United States District Judge
26

Orders on Motions

2:08-cv-00288-PMP-GWF Wicks v. Social Security Administration

United States District Court

District of Nevada

Notice of Electronic Filing

The following transaction was entered on 9/4/2008 at 10:47 AM PDT and filed on 9/3/2008

Case Name: Wicks v. Social Security Administration

Case Number: 2:08-cv-288

Filer:

Document Number: 15

Docket Text:

ORDER Denying [12] Motion for District Judge to Reconsider Order. Denying [13] Motion for Preliminary Injunction. Signed by Judge Philip M. Pro on 9/3/08. (Copies have been distributed pursuant to the NEF - AXM)

2:08-cv-288 Notice has been electronically mailed to:

Carlos A Gonzalez Carlos.Gonzalez2@usdoj.gov, Darlene.Ruckard@usdoj.gov, Eunice.Jones@usdoj.gov, Kim.Bush@usdoj.gov, Leann.Stevens@usdoj.gov, Mary.Booker@usdoj.gov, Terri.Jamison@usdoj.gov

2:08-cv-288 Notice has been delivered by other means to:

Johnny Lee Wicks
571 N. 30th Street
#50
Las Vegas, Nv 89101

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP_dcecfStamp_ID=1101333072 [Date=9/4/2008] [FileNumber=3959812-0]
[cfafb784e4d8fd462beeac87300eb0be3b85f760db0e6f4c9d9927881d1896c0c732
be092e3f09e8123a70c4bbf09e7b8e7ce7f7f58a7236d8da8a95f5af5eb4]]

Social Security Administration

Supplemental Security Income

Important Information

1250 S BUFFALO DR
SUITE 150
LAS VEGAS NV 89117

Date: August 7, 2008
Claim Number: 428-84-2574 DI

000034672 02 SP 0.590 0731, M02, 133
946 08S1915B88895



JOHNNY LEE WICKS
570 30TH ST
APT 50
LAS VEGAS NV 89101



Type of Payment: Individual-Disabled

We are writing to tell you about changes in your Supplemental Security Income (SSI) payments. The following chart shows the SSI money due you for the months we changed. As you can see from the chart, we are changing your payments for both past and future months. The rest of this letter will tell you more about this change.

We explain how we figured the monthly payment amounts shown below on the last pages of this letter. The explanation shows how your income, other than any SSI payments, affects your SSI payment. It also shows how we decided how much of your income affects your payment amount. We include explanations only for months where payment amounts change.

Your Payments Will Be Changed As Follows:

From	Through	Amount Due Each Month
January 1, 2008	Continuing	\$128.00

Why Your Payments Changed

You moved out of the State of California. Therefore, beginning January 2008, you are no longer eligible for payment from that State. You are now due money from the United States Government only.

Information About Your SSI Payments

Your regular monthly check of \$128.00 will be sent to your bank or other financial institution about the first day of September 2008.

See Next Page

SSA-L8166

They can't do this

Case 428-84-2574 DI

(3)

United States District Court

333 Las Vegas Blvd S.

Las Vegas Nevada 89101

Case #08-cv-00288-PMP-GWF

Judge Philip M. Pro

Motion for All Relief in The Complaint
in Administrative Justice

The Defendant or SSA, didn't answer the complaint
thus, State District Court by letter states
if the defendant doesn't answer the plaintiff will
be granted all the relief in the complaint.

There was knew legal reason to Reduce benefits that's
why it was uncontested by SSA the Plaintiff is eligible
for full benefits of \$886.00 a month for three years, those
benefits for disability have been Reduce by half
State Representative placed this Reduction of the
complaints. Gone from one agencies to another

This Misconduct by Staff and Race Discrimination
With Respect To The Court, The Plaintiff Would like a
Copy of The Court Review of This Complaint

I hereby certify that a copy of the foregoing document
was mailed to SSA Suite 150 1250 Baldwin Dr

Las Vegas Dr. N.V. 89111

#7006-3150-0004-3820-0721

8-25-08

1 the General Counsel, Social Security Administration, Room 611, Altmeyer Building, 6401 Security
2 Boulevard, Baltimore, MD 21235 and (2) the Attorney General of the United States, Department of
3 Justice, 950 Pennsylvania Ave. NW, Washington DC 20530.

4 **IT IS FURTHER ORDERED** that the Clerk of the Court shall issue summons to the United
5 States Attorney for the District of Nevada, and deliver the summons and Complaint to the U.S. Marshal
6 for service.

7 **IT IS FURTHER ORDERED** that Defendants shall have sixty (60) days from the date of
8 service to file their answer or responsive pleading to Plaintiff's Complaint in this case .

9 **IT IS FURTHER ORDERED** that henceforth, Plaintiff shall serve upon Defendant, or their
10 attorney if they have retained one, a copy of every pleading, motion, or other document submitted for
11 consideration by the court. Plaintiff shall include with the original paper submitted for filing a
12 certificate stating the date that a true and correct copy of the document was mailed to Defendant or their
13 counsel. The court may disregard any paper received by a district judge, magistrate judge, or the Clerk
14 which fails to include a certificate of service.

15 DATED this 1st day of April, 2008.

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17 
18 **GEORGE FOLEY, JR.**
19 **UNITED STATES MAGISTRATE JUDGE**

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